IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8509 OF 2007

Shri Ratikant Shankarlal Toshniwal

and Ors. ....Petitioners

Versus

Shri Murlidhar Tukaram Bhise and anr. ....Respondents

Mr.Dilip Bodke, Adv for the petitioners.

Pallavi for G.S.Godbole, Adv for the respondents.

Coram: S.C.Dharmadhikari, J.

26.11.2007

P.C. :

1. There is no reason for interference in the order allowing amendment of additional pleas in a suit for eviction instituted by the respondents. This is not a case where any of the principles which go in for rejection of an application for amendment are attracted.

The petitioners are not prejudiced, in as much as, they can raise the additional pleas by filing the supplemental written statement which liberty is always inherent in the order of such nature. Petition dismissed. However, the trial court to decide the suit uninfluenced by the observations made, while allowing the amendments and strictly on merits and in accordance with law. Petition dismissed. Needless to state that the order allowing amendment does not prevent the petitioner from raising the pleas including that the suit claim is barred by limitation. All amendments are subject to such pleas being raised. Petition dismissed with no order as to costs.

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